
HOUSE BILL 1022

State of Washington 60th Legislature 2007 Regular Session

By Representatives Campbell, Hinkle, O'Brien, Moeller, Morrell,
Haler, Linville, B. Sullivan and Warnick

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Committee on Health Care.

1 AN ACT Relating to creating a consumer or advocate-run mental
2 health service delivery system; amending RCW 71.24.015, 71.24.025, and
3 71.24.300; making an appropriation; providing an effective date; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 71.24.015 and 2005 c 503 s 1 are each amended to read
7 as follows:

8 It is the intent of the legislature to establish a community mental
9 health program (~~which shall~~) to help people experiencing mental
10 illness to retain a respected and productive position in the community.
11 This will be accomplished through programs that focus on resilience and
12 recovery, and practices that are evidence-based, research-based,
13 consensus-based, or, where these do not exist, promising or emerging
14 best practices, which provide for:

15 (1) Access to mental health services for adults of the state who
16 are acutely mentally ill, chronically mentally ill, or seriously
17 disturbed and children of the state who are acutely mentally ill,
18 severely emotionally disturbed, or seriously disturbed, which services
19 recognize the special needs of underserved populations, including

1 minorities, children, the elderly, disabled, and low-income persons.
2 Access to mental health services shall not be limited by a person's
3 history of confinement in a state, federal, or local correctional
4 facility. It is also the purpose of this chapter to promote the early
5 identification of mentally ill children and to ensure that they receive
6 the mental health care and treatment which is appropriate to their
7 developmental level. This care should improve home, school, and
8 community functioning, maintain children in a safe and nurturing home
9 environment, and should enable treatment decisions to be made in
10 response to clinical needs in accordance with sound professional
11 judgment while also recognizing parents' rights to participate in
12 treatment decisions for their children;

13 (2) The involvement of persons with mental illness, their family
14 members, and advocates in designing and implementing mental health
15 services that reduce unnecessary hospitalization and incarceration and
16 promote the recovery and employment of persons with mental illness. To
17 improve the quality of services available and promote the
18 rehabilitation, recovery, and reintegration of persons with mental
19 illness, consumer and advocate participation in mental health services
20 is an integral part of the community mental health system and shall be
21 supported;

22 (3) Accountability of efficient and effective services through
23 state of the art outcome and performance measures and statewide
24 standards for monitoring client and system outcomes, performance, and
25 reporting of client and system outcome information. These processes
26 shall be designed so as to maximize the use of available resources for
27 direct care of people with a mental illness and to assure uniform data
28 collection across the state;

29 (4) Minimum service delivery standards;

30 (5) Priorities for the use of available resources for the care of
31 the mentally ill consistent with the priorities defined in the statute;

32 (6) Coordination of services within the department, including those
33 divisions within the department that provide services to children,
34 between the department and the office of the superintendent of public
35 instruction, and among state mental hospitals, county authorities,
36 regional support networks, community mental health services, and other
37 support services, which shall to the maximum extent feasible also

1 include the families of the mentally ill, and other service providers;
2 and

3 (7) Coordination of services aimed at reducing duplication in
4 service delivery and promoting complementary services among all
5 entities that provide mental health services to adults and children.

6 It is the policy of the state to encourage the provision of a full
7 range of treatment and rehabilitation services in the state for mental
8 disorders including services operated by consumers and advocates. The
9 legislature intends to encourage the development of regional mental
10 health services with adequate local flexibility to assure eligible
11 people in need of care access to the least-restrictive treatment
12 alternative appropriate to their needs, and the availability of
13 treatment components to assure continuity of care. To this end,
14 counties are encouraged to enter into joint operating agreements with
15 other counties to form regional systems of care. Regional systems of
16 care, whether operated by a county, group of counties, or another
17 entity shall integrate planning, administration, and service delivery
18 duties under chapters 71.05 and 71.24 RCW to consolidate
19 administration, reduce administrative layering, and reduce
20 administrative costs. The legislature hereby finds and declares that
21 sound fiscal management requires vigilance to ensure that funds
22 appropriated by the legislature for the provision of needed community
23 mental health programs and services are ultimately expended solely for
24 the purpose for which they were appropriated, and not for any other
25 purpose.

26 It is further the intent of the legislature to integrate the
27 provision of services to provide continuity of care through all phases
28 of treatment. To this end the legislature intends to promote active
29 engagement with mentally ill persons and collaboration between families
30 and service providers.

31 **Sec. 2.** RCW 71.24.025 and 2006 c 333 s 104 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Acutely mentally ill" means a condition which is limited to a
36 short-term severe crisis episode of:

1 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
2 of a child, as defined in RCW 71.34.020;

3 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
4 case of a child, a gravely disabled minor as defined in RCW 71.34.020;
5 or

6 (c) Presenting a likelihood of serious harm as defined in RCW
7 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

8 (2) "Advocate" means family members of consumers, members of
9 consumer controlled organizations, or members of family member
10 controlled organizations.

11 (3) "Available resources" means funds appropriated for the purpose
12 of providing community mental health programs, federal funds, except
13 those provided according to Title XIX of the Social Security Act, and
14 state funds appropriated under this chapter or chapter 71.05 RCW by the
15 legislature during any biennium for the purpose of providing
16 residential services, resource management services, community support
17 services, and other mental health services. This does not include
18 funds appropriated for the purpose of operating and administering the
19 state psychiatric hospitals.

20 ((+3)) (4) "Child" means a person under the age of eighteen years.

21 ((+4)) (5) "Chronically mentally ill adult" means an adult who has
22 a mental disorder and meets at least one of the following criteria:

23 (a) Has undergone two or more episodes of hospital care for a
24 mental disorder within the preceding two years; or

25 (b) Has experienced a continuous psychiatric hospitalization or
26 residential treatment exceeding six months' duration within the
27 preceding year; or

28 (c) Has been unable to engage in any substantial gainful activity
29 by reason of any mental disorder which has lasted for a continuous
30 period of not less than twelve months. "Substantial gainful activity"
31 shall be defined by the department by rule consistent with Public Law
32 92-603, as amended.

33 ((+5)) (6) "Community mental health program" means all mental
34 health services, activities, or programs using available resources.

35 ((+6)) (7) "Community mental health service delivery system" means
36 public or private agencies that provide services specifically to
37 persons with mental disorders as defined under RCW 71.05.020 and
38 receive funding from public sources.

1 ~~((7))~~ (8) "Community support services" means services authorized,
2 planned, and coordinated through resource management services
3 including, at a minimum, assessment, diagnosis, emergency crisis
4 intervention available twenty-four hours, seven days a week,
5 prescreening determinations for mentally ill persons being considered
6 for placement in nursing homes as required by federal law, screening
7 for patients being considered for admission to residential services,
8 diagnosis and treatment for acutely mentally ill and severely
9 emotionally disturbed children discovered under screening through the
10 federal Title XIX early and periodic screening, diagnosis, and
11 treatment program, investigation, legal, and other nonresidential
12 services under chapter 71.05 RCW, case management services, psychiatric
13 treatment including medication supervision, counseling, psychotherapy,
14 assuring transfer of relevant patient information between service
15 providers, recovery services, and other services determined by regional
16 support networks.

17 ~~((8))~~ (9) "Consensus-based" means a program or practice that has
18 general support among treatment providers and experts, based on
19 experience or professional literature, and may have anecdotal or case
20 study support, or that is agreed but not possible to perform studies
21 with random assignment and controlled groups.

22 ~~((9))~~ (10) "Consumer" or "mental health consumer" means a person
23 who has applied for, is eligible for, is receiving, or has received
24 mental health services. For a child under the age of thirteen, or for
25 a child age thirteen or older whose parents or legal guardians are
26 involved in the treatment plan, the definition of consumer includes
27 parents or legal guardians.

28 (11) "Consumer-run" or "consumer or advocate-run" means entirely
29 consumer-directed and operated or directed and operated by a
30 partnership of consumers or advocates and nonconsumer professionals.

31 (12) "County authority" means the board of county commissioners,
32 county council, or county executive having authority to establish a
33 community mental health program, or two or more of the county
34 authorities specified in this subsection which have entered into an
35 agreement to provide a community mental health program.

36 ~~((10))~~ (13) "Department" means the department of social and
37 health services.

1 ~~((11))~~ (14) "Designated mental health professional" means a
2 mental health professional designated by the county or other authority
3 authorized in rule to perform the duties specified in this chapter.

4 ~~((12))~~ (15) "Emerging best practice" or "promising practice"
5 means a practice that presents, based on preliminary information,
6 potential for becoming a research-based or consensus-based practice.

7 ~~((13))~~ (16) "Evidence-based" means a program or practice that has
8 had multiple site random controlled trials across heterogeneous
9 populations demonstrating that the program or practice is effective for
10 the population.

11 ~~((14))~~ (17) "Licensed service provider" means an entity licensed
12 according to this chapter or chapter 71.05 RCW or an entity deemed to
13 meet state minimum standards as a result of accreditation by a
14 recognized behavioral health accrediting body recognized and having a
15 current agreement with the department, that meets state minimum
16 standards or persons licensed under chapter 18.57, 18.71, 18.83, or
17 18.79 RCW, as it applies to registered nurses and advanced registered
18 nurse practitioners.

19 ~~((15))~~ (18) "Long-term inpatient care" means inpatient services
20 for persons committed for, or voluntarily receiving intensive treatment
21 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-
22 term inpatient care" as used in this chapter does not include: (a)
23 Services for individuals committed under chapter 71.05 RCW who are
24 receiving services pursuant to a conditional release or a court-ordered
25 less restrictive alternative to detention; or (b) services for
26 individuals voluntarily receiving less restrictive alternative
27 treatment on the grounds of the state hospital.

28 ~~((16))~~ (19) "Mental health services" means all services provided
29 by regional support networks and other services provided by the state
30 for the mentally ill.

31 ~~((17))~~ (20) "Mentally ill persons" and "the mentally ill" mean
32 persons and conditions defined in subsections (1), ~~((4))~~ (5),
33 ~~((26))~~ (29), and ~~((27))~~ (30) of this section.

34 ~~((18))~~ (21) "Recovery" means the process in which people are able
35 to live, work, learn, and participate fully in their communities.

36 ~~((19))~~ (22) "Regional support network" means a county authority
37 or group of county authorities or other nonprofit entity recognized by
38 the secretary in contract in a defined region.

1 ~~((+20+))~~ (23) "Registration records" include all the records of the
2 department, regional support networks, treatment facilities, and other
3 persons providing services to the department, county departments, or
4 facilities which identify persons who are receiving or who at any time
5 have received services for mental illness.

6 ~~((+21+))~~ (24) "Research-based" means a program or practice that has
7 some research demonstrating effectiveness, but that does not yet meet
8 the standard of evidence-based practices.

9 ~~((+22+))~~ (25) "Residential services" means a complete range of
10 residences and supports authorized by resource management services and
11 which may involve a facility, a distinct part thereof, or services
12 which support community living, for acutely mentally ill persons,
13 chronically mentally ill adults, severely emotionally disturbed
14 children, or seriously disturbed adults determined by the regional
15 support network to be at risk of becoming acutely or chronically
16 mentally ill. The services shall include at least evaluation and
17 treatment services as defined in chapter 71.05 RCW, acute crisis
18 respite care, long-term adaptive and rehabilitative care, and
19 supervised and supported living services, and shall also include any
20 residential services developed to service mentally ill persons in
21 nursing homes, boarding homes, and adult family homes, and may include
22 outpatient services provided as an element in a package of services in
23 a supported housing model. Residential services for children in out-
24 of-home placements related to their mental disorder shall not include
25 the costs of food and shelter, except for children's long-term
26 residential facilities existing prior to January 1, 1991.

27 ~~((+23+))~~ (26) "Resilience" means the personal and community
28 qualities that enable individuals to rebound from adversity, trauma,
29 tragedy, threats, or other stresses, and to live productive lives.

30 ~~((+24+))~~ (27) "Resource management services" mean the planning,
31 coordination, and authorization of residential services and community
32 support services administered pursuant to an individual service plan
33 for: (a) Acutely mentally ill adults and children; (b) chronically
34 mentally ill adults; (c) severely emotionally disturbed children; or
35 (d) seriously disturbed adults determined solely by a regional support
36 network to be at risk of becoming acutely or chronically mentally ill.
37 Such planning, coordination, and authorization shall include mental
38 health screening for children eligible under the federal Title XIX

1 early and periodic screening, diagnosis, and treatment program.
2 Resource management services include seven day a week, twenty-four hour
3 a day availability of information regarding mentally ill adults' and
4 children's enrollment in services and their individual service plan to
5 designated mental health professionals, evaluation and treatment
6 facilities, and others as determined by the regional support network.

7 ~~((+25+))~~ (28) "Secretary" means the secretary of social and health
8 services.

9 ~~((+26+))~~ (29) "Seriously disturbed person" means a person who:

10 (a) Is gravely disabled or presents a likelihood of serious harm to
11 himself or herself or others, or to the property of others, as a result
12 of a mental disorder as defined in chapter 71.05 RCW;

13 (b) Has been on conditional release status, or under a less
14 restrictive alternative order, at some time during the preceding two
15 years from an evaluation and treatment facility or a state mental
16 health hospital;

17 (c) Has a mental disorder which causes major impairment in several
18 areas of daily living;

19 (d) Exhibits suicidal preoccupation or attempts; or

20 (e) Is a child diagnosed by a mental health professional, as
21 defined in chapter 71.34 RCW, as experiencing a mental disorder which
22 is clearly interfering with the child's functioning in family or school
23 or with peers or is clearly interfering with the child's personality
24 development and learning.

25 ~~((+27+))~~ (30) "Severely emotionally disturbed child" means a child
26 who has been determined by the regional support network to be
27 experiencing a mental disorder as defined in chapter 71.34 RCW,
28 including those mental disorders that result in a behavioral or conduct
29 disorder, that is clearly interfering with the child's functioning in
30 family or school or with peers and who meets at least one of the
31 following criteria:

32 (a) Has undergone inpatient treatment or placement outside of the
33 home related to a mental disorder within the last two years;

34 (b) Has undergone involuntary treatment under chapter 71.34 RCW
35 within the last two years;

36 (c) Is currently served by at least one of the following child-
37 serving systems: Juvenile justice, child-protection/welfare, special
38 education, or developmental disabilities;

1 (d) Is at risk of escalating maladjustment due to:

2 (i) Chronic family dysfunction involving a mentally ill or
3 inadequate caretaker;

4 (ii) Changes in custodial adult;

5 (iii) Going to, residing in, or returning from any placement
6 outside of the home, for example, psychiatric hospital, short-term
7 inpatient, residential treatment, group or foster home, or a
8 correctional facility;

9 (iv) Subject to repeated physical abuse or neglect;

10 (v) Drug or alcohol abuse; or

11 (vi) Homelessness.

12 (~~(+28+)~~) (31) "State minimum standards" means minimum requirements
13 established by rules adopted by the secretary and necessary to
14 implement this chapter for: (a) Delivery of mental health services;
15 (b) licensed service providers for the provision of mental health
16 services; (c) residential services; and (d) community support services
17 and resource management services.

18 (~~(+29+)~~) (32) "Treatment records" include registration and all
19 other records concerning persons who are receiving or who at any time
20 have received services for mental illness, which are maintained by the
21 department, by regional support networks and their staffs, and by
22 treatment facilities. Treatment records do not include notes or
23 records maintained for personal use by a person providing treatment
24 services for the department, regional support networks, or a treatment
25 facility if the notes or records are not available to others.

26 (~~(+30+)~~) (33) "Tribal authority," for the purposes of this section
27 and RCW 71.24.300 only, means: The federally recognized Indian tribes
28 and the major Indian organizations recognized by the secretary insofar
29 as these organizations do not have a financial relationship with any
30 regional support network that would present a conflict of interest.

31 **Sec. 3.** RCW 71.24.300 and 2006 c 333 s 106 are each amended to
32 read as follows:

33 (1) Upon the request of a tribal authority or authorities within a
34 regional support network the joint operating agreement or the county
35 authority shall allow for the inclusion of the tribal authority to be
36 represented as a party to the regional support network.

1 (2) The roles and responsibilities of the county and tribal
2 authorities shall be determined by the terms of that agreement
3 including a determination of membership on the governing board and
4 advisory committees, the number of tribal representatives to be party
5 to the agreement, and the provisions of law and shall assure the
6 provision of culturally competent services to the tribes served.

7 (3) The state mental health authority may not determine the roles
8 and responsibilities of county authorities as to each other under
9 regional support networks by rule, except to assure that all duties
10 required of regional support networks are assigned and that counties
11 and the regional support network do not duplicate functions and that a
12 single authority has final responsibility for all available resources
13 and performance under the regional support network's contract with the
14 secretary.

15 (4) If a regional support network is a private nonprofit entity,
16 the department shall allow for the inclusion of the tribal authority to
17 be represented as a party to the regional support network.

18 (5) The roles and responsibilities of the private nonprofit entity
19 and the tribal authorities shall be determined by the department,
20 through negotiation with the tribal authority.

21 (6) Regional support networks shall submit an overall six-year
22 operating and capital plan, timeline, and budget and submit progress
23 reports and an updated two-year plan biennially thereafter, to assume
24 within available resources all of the following duties:

25 (a) Administer and provide for the availability of all resource
26 management services, residential services, and community support
27 services.

28 (b) Administer and provide for the availability of all
29 investigation, transportation, court-related, and other services
30 provided by the state or counties pursuant to chapter 71.05 RCW.

31 (c) Provide within the boundaries of each regional support network
32 evaluation and treatment services for at least ninety percent of
33 persons detained or committed for periods up to seventeen days
34 according to chapter 71.05 RCW. Regional support networks may contract
35 to purchase evaluation and treatment services from other networks if
36 they are unable to provide for appropriate resources within their
37 boundaries. Insofar as the original intent of serving persons in the
38 community is maintained, the secretary is authorized to approve

1 exceptions on a case-by-case basis to the requirement to provide
2 evaluation and treatment services within the boundaries of each
3 regional support network. Such exceptions are limited to:

4 (i) Contracts with neighboring or contiguous regions; or

5 (ii) Individuals detained or committed for periods up to seventeen
6 days at the state hospitals at the discretion of the secretary.

7 (d) Administer and provide for the availability of all other mental
8 health services, which shall include patient counseling, day treatment,
9 consultation, education services, employment services as defined in RCW
10 71.24.035, and mental health services to children.

11 (e) Establish standards and procedures for reviewing individual
12 service plans and determining when that person may be discharged from
13 resource management services.

14 (7) The regional support networks, or its designee, shall provide
15 consumer or advocate-run services.

16 (a) The department shall not require a consumer or advocate-run
17 service to maintain licensure under this chapter if the service is
18 nonclinical. If a service is clinical, the service shall comply with
19 the requirements for licensed services in this chapter.

20 (b) Consumer or advocate-run services may include, but are not
21 limited to:

22 (i) Consumer and/or advocate-operated businesses;

23 (ii) Clubhouses, including but not limited to the Fountain House
24 model as certified by the International Center for Clubhouse
25 Development;

26 (iii) Crisis services;

27 (iv) Advocacy and referral services;

28 (v) Vocational and employment services;

29 (vi) Self-help and peer counseling and support groups;

30 (vii) Community presence in state hospitals; and

31 (viii) Mental health advance directive training.

32 (8) A regional support network may request that any state-owned
33 land, building, facility, or other capital asset which was ever
34 purchased, deeded, given, or placed in trust for the care of the
35 mentally ill and which is within the boundaries of a regional support
36 network be made available to support the operations of the regional
37 support network. State agencies managing such capital assets shall
38 give first priority to requests for their use pursuant to this chapter.

1 ~~((+8))~~ (9) Each regional support network shall appoint a mental
2 health advisory board which shall review and provide comments on plans
3 and policies developed under this chapter, provide local oversight
4 regarding the activities of the regional support network, and work with
5 the regional support network to resolve significant concerns regarding
6 service delivery and outcomes. The department shall establish
7 statewide procedures for the operation of regional advisory committees
8 including mechanisms for advisory board feedback to the department
9 regarding regional support network performance. The composition of the
10 board shall be broadly representative of the demographic character of
11 the region and shall include, but not be limited to, representatives of
12 consumers and families, law enforcement, and where the county is not
13 the regional support network, county elected officials. Composition
14 and length of terms of board members may differ between regional
15 support networks but shall be included in each regional support
16 network's contract and approved by the secretary.

17 ~~((+9))~~ (10) Regional support networks shall assume all duties
18 specified in their plans and joint operating agreements through
19 biennial contractual agreements with the secretary.

20 ~~((+10))~~ (11) Regional support networks may receive technical
21 assistance from the housing trust fund and may identify and submit
22 projects for housing and housing support services to the housing trust
23 fund established under chapter 43.185 RCW. Projects identified or
24 submitted under this subsection must be fully integrated with the
25 regional support network six-year operating and capital plan, timeline,
26 and budget required by subsection (6) of this section.

27 NEW SECTION. **Sec. 4.** The sum of five million dollars, or as much
28 thereof as may be necessary, is appropriated for the biennium ending
29 June 30, 2009, from the general fund to the department of social and
30 health services for the purposes of this act.

31 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 July 1, 2007.

--- END ---